

8/29/05 - (9)

Special Use Permit # 04/19/05-402
1000 Main Street
Acton, Massachusetts (Foster)

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DECISION of the Board of Selectmen (hereinafter the Board) on the petition of David Evans & Cheryl Turgeon (hereinafter the Petitioner) for the property located at 1000 Main Street Acton, Massachusetts. Said property is shown on Acton Town Atlas Map B-6 parcel 2-1.

This Decision is in response to an application submitted to the Board on April 19, 2005 by the Petitioner for a Special Permit under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw), to establish a Commercial Recreation Use.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on June 20, 2005 at 7:15 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members F. Dore` Hunter, Peter Ashton, Walter Foster, and Lauren Rosenzweig were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

A properly executed application for Special Use Permit received April 19, 2005; Use description.

Exhibit II

Interdepartmental Communication (IDC) from the Town Manager to the Town Staff requesting comments. The following IDC's were received:

1. Building Commissioner dated June 17, 2005
2. Town Planner dated May 9, 2005
3. Transportation Advisory Committee dated May 24, 2005
4. Health Department dated April 26, 2005
5. Recreation Director dated April 27, 2005
6. Fire Chief dated June 1, 2005

1.0 **Findings and Conclusions**

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the Small Manufacturing Zoning District and Commercial recreation is permitted by Special Use Permit.
- 1.2 The site is located in Zone 2 of the Groundwater Protection District.
- 1.3 They are not proposing any increase in the existing building or any changes to the site.
- 1.4 The Applicant proposes to utilize between 3,500 and 5,000 square feet of the building and propose to expand into the remainder of the building in the future. The Board finds this permit shall allow the future expansion within the existing building.

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1.5 The Plan as herein approved:

1. Will protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
2. Will provide for convenient and safe vehicular and pedestrian movement and the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
3. Will provide an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
4. Will provide adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
5. Is consistent with the Master Plan.
6. Is in harmony with the purpose and intent of this Bylaw.
7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted 4-0 to **GRANT** the requested Special Permit subject to the following conditions and limitations.

2.0 **Limitations**

The Authority granted to the Petitioner by this permit is limited as follows:

- 2.1 This permit applies only to the site, which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 2.2 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision. No approval of any signs or advertising devices is implied by this Decision.
- 2.3 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 2.4 The occupancy of the building shall be determined by the lesser of either as allowed by the Board of Health or the Building Commissioner under parking requirements of the Bylaw.
- 2.5 This Special Permit shall lapse on August 29, 2007 unless work approved by this permit has commenced except for good cause. Any request for extensions shall be made at least thirty (30) days prior to expiration.

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3.0 **Appeals**

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of , 2005

Peter Ashton, Chairman

I, Maryjane Kenney, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

Maryjane Kenney, Recording Secretary

Date filed with Town Clerk

Eva K. Bowen, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision passed and there have been no appeals made to this office.

Date

Eva K. Bowen, Town Clerk

cc: Petitioner
 Building Commissioner, Planning Board, Engineering, Conservation, Director of Municipal Properties,
 Board of Health, Town Clerk
 Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury